

REMARKS/ARGUMENTS

Claims 1-16 and 18 are pending in the present application, of which claims 1, 16, and 18 are independent. Claims 1-3, 5, 8-9, 11-12, 14, 16, and 18 are hereby amended. Claims 4, 6-7, and 15 are canceled without prejudice to or disclaimer of the subject matter previously recited therein. No new matter has been added.

REJECTIONS UNDER 35 U.S.C. § 103(A)

On pages 2-5, the Office Action rejects claims 1-15 under 35 U.S.C. § 103(a) as allegedly unpatentable over the combination of RFC-2547-bis in view of RFC-1771. On page 6, the Office Action rejects claims 16 and 18 under 35 U.S.C. § 103(a) as allegedly unpatentable over RFC-2547-bis, RFC-1771, and U.S. Patent No. 7,139,838 to Squire et al. (hereinafter "Squire"). Applicant respectfully traverses these rejections for the reasons set forth below.

As amended, independent method claim 1 recites, in part "for peers that do not support the route refresh feature, maintaining rejected routes in a rejected routes tree" (emphasis added). Similar subject matter now appears in independent claims 16 and 18. This subject matter finds support in the specification, for example, in paragraph [0055] and paragraph [0065], and was formerly recited in dependent claim 15.

As disclosed in paragraph [0055], the master RIB includes rejected routes that were filtered out using ImpRTs. By maintaining this tree of rejected routes, unlike previous solutions, routes may still be obtained for peers that do not support the route refresh feature. Obtaining routes internally from VRFs of a router rather than from peer routers via route refresh requests reduces the number of requests. Because route refresh messages consume network bandwidth, reducing their number is desirable, as that will free up bandwidth for user traffic.

The “rejected routes tree” subject matter now recited in independent claims 1, 16, and 18 previously appeared in claim 15. Although page 3 of the Office Action alleged that claim 15 is unpatentable over the combination of RFC-2547-bis and RFC-1771, Applicant respectfully notes that the Office Action fails to address claim 15. Thus, the Office Action has clearly failed to present a *prima facie* case of obviousness for claim 15.

Furthermore, Applicant respectfully submits that RFC-2547-bis and RFC-1771 fail to disclose, suggest, or teach this subject matter. Neither reference provides a “rejected routes tree” in the recited manner. In particular, while page 19 of RFC-2547-bis does disclose that a PE “may discard all routes which, as a result, no longer have any of the PE VRF’s Import Targets as one of their Route Target Attributes,” Applicant respectfully submits that RFC-2547-bis does not maintain a

tree of rejected routes. Therefore, Applicant respectfully submits that independent claims 1, 16, and 18 are allowable over the references of record.

Claims 2-3, 5, and 8-15 depend from allowable claim 1. Thus, Applicant respectfully submits that claims 2-3, 5, and 8-15 are allowable at least on the basis of their respective dependencies upon allowable independent claims. Claims 4, 6-7, and 15 have been canceled without prejudice or disclaimer of their subject matter.

For at least the foregoing reasons, Applicant respectfully requests that the rejections of claims 1-16 and 18 under 35 U.S.C. § 103(a) be withdrawn.

Applicant notes that, should the Examiner does uncover an additional prior art reference disclosing the subject matter of claim 15, it would be improper for the Examiner to then make a final rejection under M.P.E.P. § 706.07(a). Such a rejection would not be necessitated by amendment of the claims, as the same subject matter was previously recited in dependent claim 15.

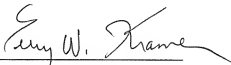
CONCLUSION

While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner telephone the undersigned attorney in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
KRAMER & AMADO, P.C.

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